

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
March 20, 2019

OPENING Mayor Rognstad called the regular meeting of the City Council to order at 5:30 p.m. on Wednesday, March 20, 2019, in the Council chambers at City Hall, 1123 Lake Street.

ROLL CALL Council members Ruehle, Aitken, Aispuro, Williamson and Eddy were present. Council member Darling was absent.

PLEDGE OF ALLEGIANCE Mayor Rognstad led the Council and the public in the pledge of allegiance to the flag.

PUBLIC FORUM No comments from the public.

Mayor Rognstad recessed the regular meeting at 5:32 p.m.

WORKSHOP – NEW SIDEWALK CONSTRUCTION

Council, staff, members of the Sidewalk/Pathways Master Plan Citizen Advisory Committee and members of the public participated.

Presentation by Infrastructure and Development Services Manager Amanda Wilson

The City initiated this conversation a couple of months ago with the *Sandpoint's Sidewalks and Pathways* story, which is still available on the City website. An initial survey was also distributed, soliciting feedback from the public. A developer roundtable meeting was recently held, as well, providing additional perspective. Additionally, the City initiated the Sidewalk/Pathways Master Plan Citizen Advisory Committee to allow interested citizens to participate and further inform the overall process. Sidewalks and pathways is an extremely complicated and fascinating topic. This is one of a two-part workshop. Along with information and suggestions already compiled, staff will take the feedback received this evening to begin to formulate some possible solutions that will be discussed at a second workshop, at which time even more in-depth feedback will be gathered prior to seeking a decision from Council.

Changes are needed to ensure that the City's approach to sidewalk/pathway installation and maintenance is in line with Council's strategic priorities. Additionally, City staff, property owners, and contractors consistently experience challenges applying the current Code, due to its inflexibility and lack of clarity. Additionally, feedback from the community over the years has brought this issue to the forefront.

City staff has begun addressing this issue by focusing on City Code first, particularly Title 7, Chapter 3, Sections 1 and 10. Currently, our Code attempts to address everything: the "who, what, when, how and where", although not necessarily the "why". Attempting to handle all aspects using only Code may not be the most efficient approach. Going forward, the City could approach this issue using three different mechanisms: 1) City Code, which would address the "who, what and when", 2) policy which would provide the "how", and 3) master plans. All are interrelated and need to come together. Because City Code feeds into our master planning and into the policies we establish, when our Code is restrictive, it impacts our ability to have the flexibility we need to adjust. The Code, in its current state, is cumbersome, and the topic of sidewalks can be found in multiple sections.

The most prevalent issue at this point is: Who is responsible for sidewalk construction? Tonight's discussion will focus on property owner responsibility and new construction of sidewalks. Chapter 2 provides some standards and speaks to sidewalk maintenance, such as snow removal, tree trimming, etc., which is the responsibility of the adjacent property owner. Chapter 3, Sections 1 through 11, pertain to sidewalk construction and maintenance. Sections 2 through 9 are administrative and procedural in nature, with a significant component dedicated to curbs, gutters, and drainage. Staff proposes repealing and replacing the property owner's responsibility and the new construction of sidewalks, with the recommendation that those two elements remain in Code. Staff recommends moving the administrative portions of this chapter to policy. New construction of curbs,

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gutters, and drainage are related to sidewalks, particularly as an element of safety. However, the overarching problem with retaining curbs, gutters, and drainage in the "sidewalk" portion of Code is that they're triggered in similar ways and need to be more closely linked to our stormwater code. Currently, when we install a sidewalk, it's a drainage function more so than a safety function. Incorporating curbs, gutters, and drainage with new construction of sidewalks is challenging and results in negative impacts on the City's ability to manage stormwater because our Code is so restrictive and demanding when it comes to sidewalks. Finally, the last section pertains to penalties, which could be moved to policy.

The "who and what" in Code states that adjacent property owners are responsible for construction and repair of sidewalks and curbs, that Council can order them, and that the City reserves the right to install and repair or replace them. New construction of sidewalks is typically associated with the development of new subdivisions or plats or when new building permits are triggered by new construction or an addition. A building permit required to pave a parking lot triggers the requirement for a new sidewalk. It also applies to single family residences, covering the entire frontage, corner ramps, and half of an alley. A permit is required, along with inspections. If a sidewalk exists, and it doesn't meet Code, the City can require that it be reconstructed. If a property does not front a public right of way, the City can require a pedestrian access from the building to the right of way. When there is 50% of sidewalk constructed on the same block and side of a street, the remaining property owners on the same block and side of the street shall construct sidewalks (except single family).

City Code does not allow for a variance when construction of new sidewalk or improvement of existing sidewalk is required, but construction/improvement can be deferred under certain conditions: 1) The value of the building permit, over an aggregate of three (3) years, or the value of the structure moved onto the lot is less than \$25,000, bearing in mind that the project cannot be "phased in" for the purpose of avoiding going over the maximum value allowed. 2) Single-family building permit improvements with a value greater than \$25,000 but less than \$75,000 may be granted a deferral, if a variety of conditions are met.

The City of Sandpoint is not unique when it comes to this issue; it's a challenge for many cities. We are looking to relevant organizations and other municipalities for inspiration and lessons learned, as well as obtaining feedback from the Sidewalk/Pathways Master Plan Citizen Advisory Committee, the developer roundtable, direct conversations, email messages and calls, and public outreach, including the initial survey.

The recent meeting of the Sidewalk/Pathways Master Plan Citizen Advisory Committee yielded a fruitful conversation pertaining to new construction requirements in City Code, resulting in recommendations to improve fairness/equity, flexibility, and clarity. The Master Plan should address where sidewalks make sense, improve connectivity, address funding options, formalize a prioritization system, create a point system based on a walkshed (distances to key destinations), and determine the best value system: safety score, mobility, cost score, usage. We cannot, in the time allotted this evening, embark on a meaningful conversation regarding the Master Plan or funding challenges. Staff is seeking feedback from Council that will assist in drafting Code revisions that can be presented to Council at a future date for consideration.

Discussion

Under certain conditions, including adherence to Safe Routes to School requirements and other safety standards, the City has the right to require sidewalk construction or improvement and require funding for said construction/improvement to come from the adjacent property owner. We could take the approach, as some cities have, under certain conditions, that sidewalk must be constructed or improved, with no indication as to who should pay for it. Funding new sidewalk as the result of a new subdivision, is the responsibility of the developer. Examples of various projects in Sandpoint demonstrate that the current "one size fits all" approach is a burden on property owners, contractors, developers and City staff.

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Full disclosure, up front, as to who is required to fund new sidewalk or sidewalk improvement is essential, as well as the importance of connectivity and complete pathways, as opposed to “sidewalks to nowhere” and the fact that home remodeling is stifled due to value of the project triggering sidewalk construction or improvement. In some cities, a point system is used to determine where sidewalk construction and improvement should be prioritized.

We need City Code to be flexible enough to allow the Master Plan to change over time, as warranted. What is needed from Council is a general sense that Council is comfortable with staff providing a recommendation that may not put the entire onus for sidewalk new construction or improvement on the adjacent property owner.

Code, as currently written, is unfair. There needs to be a balance between what the City expects of property owners and what the City provides as a service. Safety should not be compromised due to funding issues. Sidewalks are not optional or a “luxury” but are essential and a necessity for children and those with physical challenges who cannot drive. The gaps in our sidewalk/pathway network are particularly difficult on our citizens who rely on sidewalks as a basic need in their everyday lives. At the very least, the City providing fully-connected sidewalk on one side of the street would be a step in the right direction, but sidewalk on both sides of the street would be needed on the busier arterials.

Pooling funds and resources may be a possibility, but the concern would be how doing so might affect the safety factor in certain parts of the City.

The Transportation Master Plan, expected to be adopted in September 2020, must be considered alongside the Sidewalks/Pathways Master Plan, as they are closely linked. The plan is to adopt the Sidewalks/Pathways Master Plan by May 2019.

No decisions were made, and there was no action taken by Council. Proposals for solutions will be provided at a future workshop.

Mayor Rognstad reconvened the regular meeting at 6:32 p.m.

ANNOUNCEMENTS

Mayor Rognstad proclaimed April 8-12, 2019, as The Week of the Young Child in Sandpoint and presented the proclamation to Sara Smith, representing Idaho Association for the Education of Young Children.

Mayor Rognstad announced that this evening is the last City Council meeting City Attorney Scot Campbell will attend, as he is retiring at the end of this month. The Mayor thanked Mr. Campbell for his years of dedicated service. Mr. Campbell was hired in 2010 and served under four mayors: Gretchen Hellar, Marsha Ogilvie, Carrie Logan and himself.

City Administrator Jennifer Stapleton announced that she is in the process of soliciting proposals from qualified firms for contract City Attorney services, and the Mayor will seek confirmation of an appointment at the next Council meeting.

CONSENT CALENDAR

Councilwoman Williamson moved that items A-1 through C-1 be approved.
Councilwoman Ruehle seconded the motion.

A roll call vote resulted as follows:

Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Aispuro	Yes
Councilman Darling	Absent
Councilwoman Williamson	Yes
Councilman Eddy	Yes

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The motion passed by a unanimous vote of Council present.

A. MINUTES

A-1 City Council regular minutes of March 6, 2019

A-2 Planning and Zoning Commission minutes of January 15, 2019

A-3 Urban Renewal Board minutes of February 5, 2019

B. Bills in the amount of \$803,683.32, comprised of \$299,650.44 for regular payables and \$504,032.88 for payroll.

C. Resolutions

C-1 RESOLUTION NO. 19-13 DISPOSITION OF SEMI-PERMANENT AND/OR TEMPORARY RECORDS

NEW BUSINESS

D. REZONE REQUEST – TILLBERG

Planning and Community Development Director Aaron Qualls reported that Maureen and Steve Tillberg submitted a Zone Change Application, requesting a rezone from Residential Single-Family (RS) to Mixed-Use Residential (MUR). The site, consisting of two parcels, totaling approximately 8.5 acres, is located at the corner of North Boyer Road and Schweitzer Cutoff Road, near the north end of the Sandpoint Airport. The Sandpoint Comprehensive Plan future land use map envisions the site as Context Area (CA) 3, which, in our current Code, best translates to MUR, a flexible zone that allows multi-family and small-scale commercial development.

The Sandpoint Planning and Zoning Commission held a properly-noticed public hearing on March 5, 2019, to solicit comments on the request. Comments were received from the Federal Aviation Administration (FAA), Bonner County Commissioners, Independent Highway District (IHD), neighboring property owners, and others. The Commission voted 3-2 to recommend approval of the request. With testimony already documented and the hearing closed, Council's options are to approve the request, deny the request, or postpone a decision; no further testimony can be presented.

Mr. Qualls replied to **Mayor Rognstad** that, based on the available information, it does not appear that a rezone, as requested, would impair the ability of the Sandpoint Airport to obtain FAA grant funding in the future. The letter from the FAA does reference grant assurances for surrounding land uses, particularly as pertains to possible noise concerns. The Airport Master Plan, along with analysis provided by the applicant, indicates that the noise contours are within the Airport boundaries. However, as the staff report points out and as the Commission debated, industrial and commercial are typically preferred as surrounding land uses for operation of aircraft, bearing in mind that this property is near, but not adjacent to, the Airport. The Airport Board did not make a formal recommendation to the Bonner County Commissioners, although Airport staff did concur with the Commissioners' comments.

Mr. Qualls responded to **Councilman Eddy** that, at this time, there is no development proposal, just a rezone that would allow for more density. Future development may necessitate a traffic impact statement and resulting recommendations, which may or may not ultimately concur with the IHD recommendation that future traffic exit onto Boyer, as opposed to Schweitzer Cutoff.

Councilman Eddy moved that City Council, after consideration of the Planning and Zoning Commission's recommendation and the criteria and relevant standards of Idaho Code and Sandpoint City Code, GRANT the request by Maureen and Steve Tillberg for a zone change from Residential Single-Family (RS) to Mixed Use Residential (MUR) for two parcels totaling 8.49 acres, which is legally described as: the Northwest of the Northwest of the Northeast of Section 10 57 North, 2 West, less North 80' & Tax 103, 104, and 105. **Councilman Aispuro seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilwoman Williamson	Yes

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Councilwoman Ruehle	Yes
Councilman Darling	Absent
Councilman Eddy	Yes
Councilman Aitken	Yes

The motion passed by a unanimous vote of Council present.

E. INTERMAX NETWORKS REQUEST FOR EASEMENT WITHIN LITTLE SAND CREEK WATERSHED

Infrastructure and Development Services Manager Amanda Wilson reported that the City received a request for easement from Intermix Networks to take fiber optic service up to Schweitzer Mountain, with portions of the project taking place across City-owned property within the City's watershed. Staff seeks feedback and conditions from Council to be included in the proposed easement agreement, which will be presented for Council consideration during the next Council meeting. Ms. Wilson introduced Randy Reeve, consultant with Reeve Sherwood Consulting, LLC, who provided a presentation on behalf of Intermix Networks and North Sky Communications in response to the City's request for an environmental impact assessment.

Mr. Reeve reported that local experts were hired for local wetland and archeological review of the project, which will begin at the City's Little Sand Creek water treatment plant, predominantly following the road up the mountain, with the project taking place entirely within previously-disturbed soils on Forest Service roads, access roads, and utility corridors, all the way up to Schweitzer Mountain Lodge. Due to cost, drainage issues, and the high concentration of rocks, there is one approximately 200-foot aerial section of installation, between road switchbacks 1 and 2, where Intermix and its contractors will be working with IHD to place poles within the right of way. The remainder of the project is within roadway and ditch lines, with small portions requiring excavation within the roadway itself. As for culverts, they will bore under or lay steel pipe and go over. They have applied for a permit from the U.S. Army Corps of Engineers to ensure mitigation of any impacts to area wetlands, their Notice of Intent to the U.S. Environmental Protection Agency (EPA) has been accepted, and they have provided a Soil Water Pollution Prevention Plan (SWPPP). Most of the work will be done by trenching and boring, using horizontal directional drills. At the end of every work day, there will be no more than 50 feet of open trench, with the cleanup crew following close behind the construction crew, immediately replacing the soils. To help mitigate erosion along the Sparky bike path, they will use rolling water bars. In one section of steep terrain, they will move the project from the bike path to an old skid road in order to ensure they are not further contributing to the erosion in that area.

Councilwoman Williamson conveyed her appreciation for the thoroughness of both the presentation and the mitigation efforts.

Council had no additional comments or suggestions for the easement agreement, which will be drafted and presented at the next Council meeting.

F. RESOLUTION NO. 19-14 PARKS AND RECREATION MASTER PLAN BID AWARD AND PROFESSIONAL SERVICES AGREEMENT WITH GREENPLAY, LLC

Parks and Recreation Director Kim Woodruff reported that the City published a Request for Proposals (RFP) on February 1, 2019, with a deadline of February 26, 2019, seeking proposals from qualified firms for the creation of a Parks and Recreation Master Plan. The City received three proposals, which were reviewed, scored, and ranked by the Review Committee, comprised of Ms. Stapleton, Mayor Rognstad, Councilman Aitken, the chair of the Sandpoint Parks and Recreation Commission, and himself. The three proposals received, in order ranked, were from Greenplay, Design Workshop, and SPVV, with the Team recommending a contract with Greenplay, not to exceed \$120,000. He anticipates a plan, long overdue, that will provide direction for parks, recreation, trails, and leisure programming for the next decade and beyond.

Councilwoman Ruehle moved that City Council approve the proposed resolution, Parks

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and Recreation Master Plan Bid Award and Professional Services Agreement with Greenplay, LLC. **Councilman Aitken seconded the motion.**

A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilman Darling	Absent
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes

The motion passed by a unanimous vote of Council present.

G. RESOLUTION NO. 19-15 INFLOW AND INFILTRATION IDENTIFICATION DATA COLLECTION PLAN

Councilwoman Williamson moved that City Council approve the proposed resolution, Inflow and Infiltration Identification Data Collection Plan. **Councilman Eddy seconded the motion.**

A roll call vote resulted as follows:

Councilman Darling	Absent
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilman Aispuro	Yes

The motion passed by a unanimous vote of Council present.

H. SANDPOINT CITY COUNCIL COMMENTS ON ENVIRONMENTAL ASSESSMENT FOR NEW RAILROAD BRIDGE

Councilwoman Williamson declared a conflict of interest, as she works on this issue in a professional capacity, and announced that she would be abstaining from voting on this matter.

With the letter provided to Council just minutes prior to the meeting, **Councilman Aispuro** did not feel he had sufficient time to review and digest the contents of the letter in order to make a decision and announced that, for this reason, he, also, would be abstaining from voting.

Councilman Aitken moved that City Council support and approve the Environmental Assessment comments, as set forth in the March 20, 2019, letter to Steven Fischer, Commander, 13th Coast Guard District, U.S. Coast Guard. **Councilwoman Ruehle seconded the motion.**

A roll call vote resulted as follows:

Councilman Darling	Absent
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilwoman Williamson	Abstain
Councilman Eddy	Yes
Councilman Aispuro	Abstain

The motion passed by a majority vote of Council present and voting, with Councilwoman Williamson and Councilman Aispuro abstaining.

ADJOURNMENT The regular meeting adjourned at 7:25 p.m.



Shelby Rognstad, Mayor

ATTEST:



Melissa Ward, Deputy City Clerk